



U.S. Department of Justice

Immigration and Naturalization Service

OFFICE OF ADMINISTRATIVE APPEALS

425 Eye Street N.W.

ULLB, 3rd Floor

Washington, D.C. 20536

File: [REDACTED]

Office: NEBRASKA SERVICE CENTER Date:

DEC 5 2000

IN RE: Petitioner: [REDACTED]  
Beneficiary [REDACTED]

Petition: Petition for Alien Fiance(e) Pursuant to Section 101(a)(15)(K) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(K)

IN BEHALF OF PETITIONER: SELF-REPRESENTED

Public Copy

Identifying data removed to  
prevent clearly unwarranted  
invasion of personal privacy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS,

Mary C. Mulrean, Acting Director  
Administrative Appeals Office

**DISCUSSION:** The nonimmigrant visa petition was denied by the Director, Nebraska Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The petitioner is a single native of Azerbaijan and a naturalized citizen of the United States, who seeks to obtain a fiancée visa under section 101(a)(15)(K) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1101(a)(15)(K). The director denied the petition because the petitioner failed to present evidence of his having met the beneficiary within the two-year period immediately preceding the filing date of the fiancée petition.

On appeal, the petitioner states: "I am a refugee from that country, and I do not want to go back there ever again."

According to the regulation at 8 C.F.R. 214.2 (k)(2), the director may exempt the petitioner from this requirement only if it is established that compliance would:

- (1) Result in extreme hardship to the petitioner; or
- (2) Violate strict and long-established customs of the beneficiary's foreign culture or social practice.

It is noted that the statute requires that a meeting between the petitioner and the beneficiary take place within the two-year period prior to the filing of the petition. The petitioner concedes on appeal that he has not met with his fiancée. No claims have been made regarding the beneficiary's culture or social practice which prevented the couple from personally meeting during the two years immediately preceding the filing date of the petition. The petitioner has not provided adequate reasons why the two-year requirement stipulated by law should be waived.

The petitioner and the beneficiary are not required to meet in Azerbaijan; they can meet in a third country. However, they are required to provide evidence of having met within the two-year period immediately preceding the filing date of the fiancée petition.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. 1361. The petitioner has not sustained that burden.

**ORDER:** The appeal is dismissed.